

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE AMERICAN EXPRESS COMPANY ERISA  
LITIGATION,

Defendant.

08 Civ. 10834 (JGK)  
08 Civ. 11301 (JGK)  
09 Civ. 1017 (JGK)  
09 Civ. 1202 (JGK)

MEMORANDUM OPINION AND  
ORDER

JOHN G. KOELTL, District Judge:

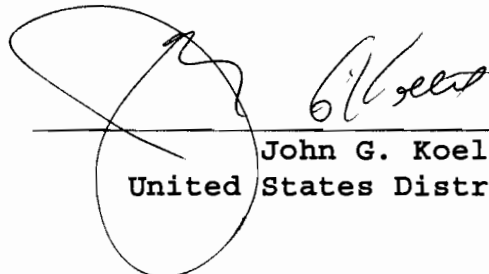
The plaintiffs' request to file a second amended complaint is **granted**. The defendants' motion to dismiss is **denied as moot and without prejudice** to being asserted against a second amended complaint.

The plaintiffs will file the second amended complaint by **March 22, 2010**. The parties will submit a proposed schedule for the defendants' motion to dismiss by **March 8, 2010**. The parties will be allowed to submit their original papers on the motion to dismiss together with brief additional papers directed to the additional allegations in the second amended complaint. The plaintiffs will not seek leave to file any further amended complaints.

The Clerk is directed to close Docket No. 21.

SO ORDERED.

Dated: New York, New York  
March 3, 2010

  
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John G. Koeltl  
United States District Judge

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